



**THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**Addendum to Scheduling Order for Bench Trial
Before District Judge Patricia Minaldi**

Judge Minaldi, Magistrate Kay and their staff welcome you to the Lake Charles Division of the Western District of Louisiana. Please let us know if there is anything we can do to assist you through completion of your litigation.

If you have any questions about the rules or deadlines in this order, or wish to contact our office, please do not hesitate to call Magistrate Judge Kay at 337-437-3874, fax 337-437-8264, 611 Broad Street, Suite 209, Lake Charles, Louisiana, 70601.

I. This ORDER supersedes any and all prior scheduling orders in this case.

This order is issued in conjunction with and as an Addendum to the Scheduling Order to which it is attached and is intended to provide further clarification of the deadlines set forth therein.

II. Schedule and Deadlines:

Your trial date, pretrial date, and other deadlines are identified on the Scheduling Order to which this is attached. When considering those dates, please keep in mind the following:

- A. **Motions:** All dispositive motions must be filed no later than 90 days before trial. Motions to compel discovery, *Daubert* motions, and motions *in limine* shall be filed no later than 45 days before trial. Motions other than *Daubert* and *in limine* shall be filed at least 28 days before trial. Parties may seek leave of court to file these motions untimely, which request may be granted upon a showing of good cause.

Oral argument on motions is not automatic. Parties may ask the court to entertain oral argument and the court may set oral argument on motion or *sua sponte* at its discretion.

- B. **Discovery:** Although the court sets no specific deadline for completion of discovery, the parties will note that Motions to Compel must be filed no later than 45 days before trial absent leave of court. The Court will not grant Motions to Compel discovery that is not due at the time the motion is filed; accordingly,

parties must seek written discovery allowing adequate time for response. The Court will not consider motions for protective orders filed later than 28 days before trial.

- C. **Expert Reports:** Plaintiff shall furnish to defendant the names and written reports of any physician or other expert witness plaintiff intends to call no later than 75 days before trial. Defendant shall furnish to plaintiff the names and written reports of any physician or other expert witness defendant intends to call no later than 60 days before trial.
- D. **Pretrial Statements:** Each party's pretrial statement is due not later than 28 days before trial. Please complete the blank "Pretrial Statement" attached to this order, or provide the requested information in a document of similar format.
- E. **Witness Lists:** Each party's pretrial statement shall identify all witnesses; "will call" witnesses (as opposed to those a party *may* call) must be particularly identified.
- F. **Exhibit Lists:** Each party must serve on opposing counsel and file with the Clerk of Court a list of exhibits at least 28 days in advance of trial. No other exhibits will be admitted into evidence at trial, absent good cause shown. It is not necessary to file exhibits into the record.
- G. **Copies of Exhibits:** If copies of original documents are to be substituted for trial exhibits, the copies must be presented at the time the original is introduced at trial. Exhibits must be properly identified. Should you intend to present electronic exhibits, please deliver your files on CD-ROM or other appropriate media to the Clerk of Court seven days before trial to ensure that your presentation is compatible with our equipment.
- H. **Deposition Transcripts and Videos:** Counsel shall provide the Court with copies of any deposition transcripts or deposition videos to be introduced at trial at least ten days before trial. Please send deposition transcripts and videos directly to chambers.
- I. **Real Time glossary:** Ten days before trial, each party should deliver a Real Time glossary to the clerk. Real Time software is used by the court reporter to instantly transcribe proceedings based on voice recognition technology. However, many words, such as party names, will not transcribe correctly unless the court reporter has the opportunity to enter them into the glossary in advance. Therefore, please provide a glossary of uncommon words, such as party names, that may be unique to your case.

III. Informal Dispute Resolution:

The parties are encouraged to contact the Court at any time in the process if the parties believe that court intervention would help resolve any dispute, including settlement of the entire proceeding. See Section VIII, “Communicating with the Court,” for contact guidelines and information.

IV. Pretrial Conference:

Your pretrial conference is scheduled as set forth on the Scheduling Order to which this is attached before Magistrate Kay in Chambers. Please be prepared to discuss procedural questions, evidentiary problems, and any other issues of which the Court should be aware and that could assist Judge Minaldi’s chambers in preparing the docket for trial.

The Court prefers lead counsel for each party attend this conference in person. Should counsel have a conflict with the date and time set forth above, the counsel having the conflict is to initiate a telephone call with opposing counsel and chambers to select a date and time convenient to all. If exigent circumstances present themselves, counsel may be given special leave to participate by telephone.

V. Continuances:

- A. **Trial Date:** Continuing a trial date resets all deadlines established in Section II (above) unless a new order is issued which would supersede this order. New deadlines are calculated from the new trial date. Any material previously submitted in compliance with Section II does not need to be duplicated to comply with the new deadlines, unless there is a need to amend or supplement.
- B. **Pretrial Conference:** A trial continuance automatically upsets the pretrial conference date, which will then be rescheduled.

VI. Filing Instructions:

E-Filing is mandatory in the Western District of Louisiana. In an emergency, printed materials may be filed with the Clerk of Court’s Office in any division of the Western District.

VII. Extensions:

No deadline will be extended unless for good cause and only in the interest of justice.

VIII. Communicating with the Court:

Notwithstanding mandatory e-filing here in the Western District of Louisiana, the parties are welcome to contact the Court by telephone, fax, regular or e-mail. All electronic

communication must be copied to opposing counsel and any telephone conference must include all parties involved.

THUS DONE AND SIGNED in Chambers, Lake Charles, Louisiana, the date on which was issued the docket entry to which this is attached.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE

3. Pending Motions:

4. Brief Summary of Case:

5. Issues of Fact:

6. Issues of Law:

11. Estimated Length of Trial: _____ days

12. Other Matters that Should be Made Known to the Court:

Date: _____

Signature: _____

Printed Name: _____

**EACH PARTY IS REQUIRED TO TIMELY FILE A PRETRIAL STATEMENT.
THE COURT MAY SANCTION ANY PARTY THAT FAILS TO COMPLY.**